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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,981	03/30/2006	Nobuyoshi Okumura	1163-0560PUS1	4165
2292 7590 02/19/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER HANNON, CHRISTIAN A				
ART UNIT 2618		PAPER NUMBER		
NOTIFICATION DATE 02/19/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/573,981

Applicant(s)

OKUMURA ET AL.

Examiner

CHRISTIAN A. HANNON

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is response to applicant's response filed on 11/17/2008. Claims 1-8 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermola (US 2005/0289589).

Regarding claims 1, 7 & 8, Vermola teaches a (audio/video) receiving apparatus and method for receiving a broadcasting wave which includes a digital video signal, a digital audio signal, and service information, said service information indicating at least a channel number, a transmission broadcasting station name, and a broadcast target area said receiving apparatus comprises (Figure 2, Item 209; Page 1, [0022], Page 2 [0024]; Vermola) a registration means for extracting said service information added to the broadcasting wave, and for registering said service information, as preset information, into one preset group (Page 2, [0029]; Page 4 [0056]; Vermola) and a channel selecting means for selecting said broadcasting wave according to the preset information registered into said preset group (Page 4, [0056]); Vermola also teaches a controller for extracting the service information (Figure 5, Items 5051, 5052; Vermola) a

video control unit which obtains the extracted service information and creates one or more tables where each one of said one or more tables includes all channels associated with a specific area (Figure 2, Page 2, [0033]; Vermola) and a GUI unit that displays one of said one or more tables based on the current position of the receiver as determined from the received service information (Page 1, [0016], Page 2, [0029]; Vermola). Vermola does not explicitly teach a reception determining means for determining whether said broadcasting wave can be received in a predetermined region by receiving a reception signal from each channel while changing said channel number and making said determination for the reception signal received from each channel, however Vermola does teach that each broadcast wave is 'determined' to either be receivable to the receiver or not (Page 2, [0026-0027], Page 3 [0038-0039], Page 5, [0064]; Vermola). Therefore it is obvious to one of ordinary skill in the art that this process requires analyzing received channels between changing channels as Vermola discloses that multiple channels are tested, therefore the only way to test the multiple possible channels would be to change those channels. Furthermore the Examiner asserts official notice that the claimed components of claim 8 (demux and decoders) are widely known in the art and are implicitly taught by the Vermola art.

Regarding claim 2, Vermola teaches the receiving apparatus according to claim 1, wherein the service information includes selection button numbers which are used for selecting channel numbers, respectively, and the registration means registers names of transmission broadcasting stations and a broadcast target area for these transmission broadcasting stations while associating them with said selection button numbers,

respectively (Figure 2, Item 209; Figure 5, Item 5002; Page 2, [0024; Page 4, [0055]; Vermola).

Regarding claim 3, Vermola teaches the receiving apparatus according to claim 2, wherein said apparatus comprises a display control means for displaying a preset group list showing a list of preset groups, as well as broadcast target areas, and for, when a preset group is selected from this preset group list, displaying a preset group screen in which a plurality of broadcasting stations included in preset information associated with the selected preset group are associated with a plurality of selection button numbers, respectively (Page 2, [0029]-[0034]; Figure 5, Item 5002; Vermola).

Regarding claim 4, Vermola teaches the receiving apparatus according to claim 3, wherein when a selection button number is input, the channel selection means selects a channel number according to the input selection button number and a preset group number indicating the preset group and displayed on the preset group screen so as to select a broadcasting wave (Page 4, [0060-0061]; Vermola).

3. Claims 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermola in view of Morisada et al (US 2002/0013946), hereinafter Morisada.

Regarding claim 5, Vermola teaches the receiving apparatus according to claim 1, wherein the registration means registers, as preset information, service information added to the broadcasting wave which said receiving apparatus is currently receiving into the preset group to which a broadcasting wave having the same broadcast target area as the broadcasting. However Vermola fails to disclose wherein said apparatus

has a searching means for searching for a preset group to which a broadcasting wave having a same broadcast target area as a broadcasting wave which said receiving apparatus is currently receiving belongs wave which said receiving apparatus is currently receiving belongs. Morisada teaches a broadcast receiving apparatus with a preset searching function (Page 1, [0012]; Morisada). Therefore it would be obvious to one of ordinary skill in the art to combine the teachings of Vermola with those of Morisada in order to create ease of use for an end user upon entering a geographic region with new un-set channels.

Regarding claim 6, Vermola teaches the receiving apparatus according to claim 1, however Vermola fails to explicitly teach wherein said apparatus has a searching means for searching for a preset group to which a broadcasting wave having a same transmission broadcasting station name as a broadcasting wave which said receiving apparatus is currently receiving belongs, and, when said searching means determines that there exists a preset group to which a broadcasting wave having a same transmission broadcasting station name as the broadcasting wave which said receiving apparatus is currently receiving belongs, the channel selection means selects a broadcasting wave according to said preset group. Morisada teaches a broadcast receiving apparatus with a preset search function capable of placing received broadcasts into preset groups accordingly (Page 1, [0012]; Morisada). Therefore it would be obvious to one of ordinary skill in the art to combine the teachings of Vermola with those of Morisada in order to create ease of use for an end user upon entering a geographic region with new un-set channels.

Response to Arguments

4. Applicant's arguments filed 11/17/2008 have been fully considered but they are not persuasive.
5. The applicant has set forth an argument which goes on to describe why, from the applicant's subjective position, the claim language is sufficient to read over the applied prior art. The Examiner has applied the broadest reasonable interpretation to the claim language and has accordingly applied art that reads on such an interpretation. The Examiner makes no judgment on what the claim language is intended to mean, what the applicant meant it to mean nor is the specification read into the claims. If the applicant believes to possess a novel idea over the prior art the novelty must expressly and explicitly be provided within the body of the claim, with full support in the specification for such language.

In response to the direct assertion that Vermola fails to teach parameters sent in a broadcasting wave, the Examiner respectfully disagrees. Page 2, paragraph [0024] of Vermola discloses, for one, DVB-T protocol wave transmissions, which obvious to one of skill in the art include but are not limited to a video, audio and service information data portion.

In response to the direct assertion that Vermola fails to teach utilization of service information for location determination the Examiner respectfully disagrees. Page 1, paragraph [0016], Vermola discloses that received service information data may be used to determine a device's location.

For the foregoing reasons the claims remain rejected.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHRISTIAN A. HANNON** whose telephone number is (571)272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. H./
Examiner, Art Unit 2618
February 12, 2009

/Edward Urban/
Supervisory Patent Examiner, Art Unit 2618